

COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

1570 Grant Street, Denver, CO 80203-1818 • (303) 866-2993 • (303) 866-4411 Fax • (303) 866-3883 TTY Bill Ritter, Jr., Governor • Joan Henneberry, Executive Director

DATE: Week Ending Friday, January 30, 2009

TO: HCPF Community

FROM: Ginny Brown, Legislative Liaison and Nicole Storm, Legislative Analyst

RE: Legislative Report – 2009 Session of the Colorado General Assembly

We are approaching the end of our first month of the 2009 Session of the Colorado General Assembly and we are off to a very busy start! Based on guidance from the Governor's Office restricting the number of legislative proposals each agency can initiate, the Department has three legislative proposals.

Presumptive Eligibility for Long Term Care (HB09-1103, Rep Riesberg, Sen Newell) is a bill that authorizes the Department to seek federal authorization to allow a person in need of long term care to be presumptively eligible for the Medical Assistance Program, provided that the person declares all pertinent information relating to income and assets. Pending authorization and spending authority, the Department may implement a pilot program which would allow more rapid enrollment of persons who are Medicaid eligible.

Medicaid Overexpenditure Authority (HB09-1222, JBC Bill). This legislation would extend the repeal dates of statutory sections authorizing overexpenditures for Medicaid; transfers of funds between the Department and the Department of Human Services; and transfers of cash spending authority. Repeal dates would be extended from July 1, 2009 to July 1, 2014; and from September 1, 2009 to September 1, 2014 and would allow the Department to continue to operate the Medicaid program.

Our last Department proposal this session is a technical bill concerning a Supreme Court decision of *Ahlborn vs. Arkansas (HB09-1191, Rep McCann & Sen Boyd)* which brings our current state statute into compliance with federal law. Prior to the U.S. Supreme Court decision in Ahlborn, the Department was entitled to a lien against any recoveries from liable third parties on claims by a Medicaid client (tort and casualty recoveries). Ahlborn states that the Department could only have a lien on the medical portion of the recoveries.

We are also monitoring a number of non-Department bills this session including Expedited Processes for Reenrollment in Publicly Funded Medical Programs, HB09-1020, (*Rep Acree & Sen Spence*), which establishes a process for reenrollment in Medicaid and the Children's Basic Health Plan both over the telephone and through the internet; and Review of Medicaid Providers, HB09-1084, (*Rep Gagliardi & Sen Tochtrop*), a bill concerning the procedures for the review of Medicaid providers.

For more information about legislative activities please contact Ginny Brown (303-866-3972) or Nicole Storm (303-866-3180) or access www.colorado.gov to search the General Assembly website. This report will be updated weekly on our website under Legislative Update http://www.colorado.gov/cs/Satellite/HCPF/HCPF/1221475084921.